

## NEW LAWS ENACTED IN 2006

The following bills of interest to OAA members were enacted into law during 2006. An emerging trend, reflected both in four new state laws and in proposed Federal legislation that is certain to be reintroduced in 2007, deals with mandatory vision screening for children reaching school age. Also of note: (1) A comprehensive revision of Vermont's professional licensing statute resulted in all licensing boards, including that for Opticians, being merged into a single entity, the Office of Professional Regulation. (2) Utah, where 1-800-CONTACTS is headquartered, was the only state – out of seven where similar bills were introduced – to enact the “Contact Lens Consumer Protection Act.”

STATE	BILL #	SUMMARY OF PROVISIONS	STATUS	LOCAL CONTACT	COMMENT
ALABAMA	HR 436	Creates Children's Vision Interim Task Force to study “screening/treatment of children for vision diseases/disorders.”	Adopted 3/09/06		
CALIFORNIA	HB 1382	Makes it a deceptive marketing practice to advertise that contact lenses, including plano lenses, may be obtained without an eye exam or confirmation of a valid prescription. Violation is a misdemeanor.	Adopted 8/23/06 as Chapter 148, Statutes of 2006.		Incorporates Federal definition of all contact lenses as regulated medical devices; plano contact lenses deemed prescription ophthalmic devices.
CALIFORNIA	HCR 145	Establishes a panel to study, and recommend improvements to, the state's vision screening standards for children entering 1 <sup>st</sup> grade.	Adopted 8/16/06 as Res. Chapter 108/ Statutes of 2006.		Final committee Report due on 9/01/07.
FLORIDA	HB 587 SB 416	Requires health care providers, including opticians, to disclose in advertising the type of license under which they are practicing.	Approved by Gov. on 6/13/06. Took effect on July 1, 2006.		Failure to properly disclose required info is grounds for disciplinary action.
FLORIDA	HB 5007	Authorizes Medicaid to pay for	Approved by Gov. on		Prior law allowed eye-

		visual exam & two pairs of eye-glasses yearly, regardless of recipient's age.	5/25/06. Took effect on July 1, 2006.		glasses only for Medicaid recipients age 21 and under.
INDIANA	SB 333	Requires that contact lens prescription provided to a patient carry an expiration date of one year (formerly "not more than one year").	<i>Adopted into law 3/24/06.</i>		
INDIANA	HR 73	Resolution urging the establishment of an interim study committee on restraint on trade in sale of contact lenses.	Adopted 3/15/06.		References expiration (11/01/06) of consent decrees prohibiting limiting distribution of lenses
NEW JERSEY	A 2091	Modifies existing requirement that children who wear corrective eye-glasses also wear protective eye-ware by substituting lens standards of the American National Standards Institute for those of American Society for Testing & Materials.	Approved 1/11/06 as P.L. 2005, C. 306		Frames standards, set by American Society for Testing and Materials, remain unchanged.
NORTH CAROLINA	HB 2699	Requires vision screening for all children prior to entering kindergarten; mandates comprehensive eye exam for those who fail screening.	Signed into law by Governor 8/13/06 as Session Law 2006-240.		Income eligible families may qualify to receive state funds for eye exam and corrective lenses.
OKLAHOMA	HB 2382 SB 1795	Requires vision screening exam for children entering kindergarten, 1 <sup>st</sup> and 3 <sup>rd</sup> grades; comprehensive eye exam for those who fail; exam includes recommended educational adjustments, e.g., eyeglasses.	Adopted into law 5/15/06.		Effective date is 11/01/06; requirements are applicable beginning in school year 2007-2008.
TENNESSEE	Senate	Urges Dept. of Human Services to	Adopted in to law		Responds to loss of Fed-

	Joint Res. 1054	fund Prevent Blindness Tenn. program of blindness prevention awareness education/screenings.	6/15/06.		eral funding for the Program.
UTAH	SB 176	"Contact Lens Consumer Protection Act." Prohibits sale of contact lens brands that are not certified as being available in commercially reasonable and nondiscriminatory manner within all channels of distribution. Certification made to State Atty. General. Knowing and intentional violation is a Class A Misdemeanor. Also, Atty. General may bring civil action/seek injunction against any violator.	Adopted into law 3/17/06.		Amended version excludes rigid gas, bitoric gas, and bifocal gas permeable lenses; keratoconus lenses; and, custom lenses.
VERMONT	HB 871	Comprehensive revision of licensing statute; establishes Office of Professional Regulation (OPR), into which are merged all licensing boards, including for Opticians; penalty for unauthorized practice of any profession set at max. fine of \$5000 or one year in jail; eliminates five person Bd. of Examiners of Opticians; two practicing Opticians to be advisors to OPR	Signed into law 5/15/06.		When an optician's license has been expired for period of four years, OPR may require reexamination before reinstating license.